

2A:50-64 & 2A:17-36
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 71

NJSA: 2A:50-64 & 2A:17-36 (Revises certain procedures for real estate foreclosure sales; alters adjournment of sale process.)

BILL NO: S3464 (Substituted for A5019)

SPONSOR(S) Troy Singleton and others

DATE INTRODUCED: 2/7/2019

COMMITTEE: **ASSEMBLY:** ---

SENATE: Community & Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/25/2019

SENATE: 3/25/2019

DATE OF APPROVAL: 4/29/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S3464

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Community & Urban Affairs

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A5019

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Housing & Community Development
Financial Institutions & Insurance
Appropriations

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: Yes

Public hearing before Assembly Housing and Community Development Committee: the Committee will receive testimony from invited guests and the public concerning foreclosures and vacant properties in the State [September 20, 2018, Union, New Jersey]

Call number 974.90 H842, 2018b

Available online at <http://hdl.handle.net/10929/49433>

NEWSPAPER ARTICLES: Yes

Murphy signs bills aimed at helping those facing foreclosure
Associated Press State Wire: New Jersey (NJ) - April 29, 2019

Murphy Signs Bills Targeting State's Foreclosure Crisis
New Jersey Law Journal, April 30, 2019

Murphy signs 9 bills to alleviate NJ foreclosure crisis
NJBIZ (New Brunswick, NJ) - April 30, 2019

Murphy takes aim at state's foreclosure rate
Star-Ledger, The (Newark, NJ) - April 30, 2019

Murphy signs foreclosure laws in A.C. - Murphy signs foreclosure package in Atlantic City
Press of Atlantic City, The (NJ) - April 30, 2019

Murphy acts to combat foreclosure crisis
Burlington County Times (Willingboro, NJ) - April 30, 2019

Gov. takes aim at N.J. foreclosures
Hunterdon County Democrat (Flemington, NJ) - May 2, 2019

Foreclosure bill signed into law - Trenton. Gov. Phil Murphy signs measure that will tackle surge in New Jersey's foreclosures and streamline pending cases.
Advertiser-News, The (Sussex County, NJ) - May 10, 2019

RWH/JA

P.L. 2019, CHAPTER 71, *approved April 29, 2019*
Senate, No. 3464 (*First Reprint*)

1 AN ACT concerning sales of foreclosed properties and amending
2 P.L.1995, c.244 and N.J.S.2A:17-36.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
8 read as follows:

9 12. a. With respect to the sale of a mortgaged premises under
10 foreclosure action, each sheriff in this State shall provide for, but
11 not be limited to, the following uniform procedures:

12 (1) Bidding in the name of the assignee of the foreclosing
13 plaintiff.

14 (2) That adjournment of the sale of the foreclosed property shall
15 be in accordance with N.J.S.2A:17-36.

16 (3) (a) The sheriff shall **【schedule】** conduct a sale **【date】**
17 within ¹**【120】** 150¹ days of the sheriff's receipt of any writ of
18 execution issued by the court in any foreclosure proceeding.

19 (b) If it becomes apparent that the sheriff cannot comply with
20 the provisions of subparagraph (a) of this paragraph (3), the
21 foreclosing plaintiff may apply to the office for an order appointing
22 a Special Master to hold the foreclosure sale.

23 (c) Upon the foreclosing plaintiff making such application to the
24 office, the office shall issue the appropriate order appointing a
25 Special Master to hold the foreclosure sale. The office may issue
26 the order to appoint a Special Master to hold foreclosure sales for
27 one or more properties within a vicinage.

28 (4) That the successful bidder at the sheriff's sale shall pay a 20
29 percent deposit in either cash or by a certified or cashier's check,
30 made payable to the sheriff of the county in which the sale is
31 conducted, immediately upon the conclusion of the foreclosure sale.
32 If the successful bidder cannot satisfy this requirement, the bidder
33 shall be in default and the sheriff shall immediately void the sale
34 and proceed further with the resale of the premises without the
35 necessity of adjourning the sale, without renotification of any party
36 to the foreclosure and without the republication of any sales notice.
37 Upon such resale, the defaulting bidder shall be liable to the
38 foreclosing plaintiff for any additional costs incurred by such
39 default including, but not limited to, any difference between the
40 amount bid by the defaulting bidder and the amount generated for
41 the foreclosing plaintiff at the resale. In the event the plaintiff is

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted March 25, 2019.

1 the successful bidder at the resale, the plaintiff shall provide a credit
2 for the fair market value of the property foreclosed.

3 (5) It is permissible, upon consent of the sheriff conducting the
4 sheriff's sale, that it shall not be necessary for an attorney or
5 representative of the person who initiated the foreclosure to be
6 present physically at the sheriff's sale to make a bid. A letter
7 containing bidding instructions may be sent to the sheriff in lieu of
8 an appearance.

9 (6) That each sheriff's office shall use, and the plaintiff's
10 attorney shall prepare and submit to the sheriff's office, a deed
11 which shall be in substantially the following form:

12
13 THIS INDENTURE,

14
15 made this (date) day of (month),
16 (year). Between (name), Sheriff of the County
17 of (name) in the State of New Jersey, party of the first
18 part and (name(s)) party of the
19 second part, witnesseth.

20
21 WHEREAS, on the (date) day of
22 (month), (year), a certain Writ of Execution was issued out of
23 the Superior Court of New Jersey, Chancery Division-
24 (name) County, Docket No. directed and delivered to the
25 Sheriff of the said County of (name) and which said
26 Writ is in the words or to the effect following that is to say:

27
28 THE STATE OF NEW JERSEY to the Sheriff of the County of
29 (name),
30 Greeting:

31
32 WHEREAS, on the (date) day of (month),
33 (year), by a certain judgment made in our Superior Court
34 of New Jersey, in a certain cause therein pending, wherein the
35 PLAINTIFF is:

36
37
38

39 and the following named parties are the DEFENDANTS:

40
41
42

43
44 IT WAS ORDERED AND ADJUDGED that certain mortgaged
45 premises, with the appurtenances in the Complaint, and Amendment
46 to Complaint, if any, in the said cause particularly set forth and
47 described, that is to say: The mortgaged premises are described as
48 set forth upon the RIDER ANNEXED HERETO AND MADE A
49 PART HEREOF.

1 BEING KNOWN AS Tax Lot (number) in Block
2 (number) COMMONLY KNOWN AS (street address)
3

4 TOGETHER, with all and singular the rights, liberties, privileges,
5 hereditaments and appurtenances thereunto belonging or in anywise
6 appertaining, and the reversion and remainders, rents, issues and
7 profits thereof, and also all the estate, right, title, interest, use,
8 property, claim and demand of the said defendants of, in, to and out
9 of the same, to be sold, to pay and satisfy in the first place unto the
10 plaintiff,

11
12

14 the sum of \$ (amount) being the principal, interest and
15 advances secured by a certain mortgage dated (date,
16 month, year) and given by (name) together with
17 lawful interest from

18
19
20

22 until the same be paid and satisfied and also the costs of the
23 aforesaid plaintiff with interest thereon.

25 AND for that purpose a Writ of Execution should issue, directed to
26 the Sheriff of the County of (name) commanding him to
27 make sale as aforesaid; and that the surplus money arising from
28 such sale, if any there be, should be brought into our said Court, as
29 by the judgment remaining as of record in our said Superior Court
30 of New Jersey, at Trenton, doth and more fully appear; and
31 whereas, the costs and Attorney's fees of the said plaintiff have
32 been duly taxed at the following sum: \$ (amount)

34 THEREFORE, you are hereby commanded that you cause to be
35 made of the premises aforesaid, by selling so much of the same as
36 may be needful and necessary for the purpose, the said sum of
37 \$..... (amount) and the same you do pay to the said plaintiff
38 together with contract and lawful interest thereon as aforesaid, and
39 the sum aforesaid of costs with interest thereon.

41 And that you have the surplus money, if any there be, before our
42 said Superior Court of New Jersey, aforesaid at Trenton, within 30
43 days after pursuant to R.4:59-1(a), to abide the further Order of the
44 said Court, according to judgment aforesaid, and you are to make
45 return at the time and place aforesaid, by certificate under your
46 hand, of the manner in which you have executed this our Writ,
47 together with this Writ, and if no sale, this Writ shall be returnable
48 within 12 months.

1 WITNESS, the Honorable (name), Judge of the Superior
2 Court at Trenton, aforesaid, the (date) day of
3 (month), (year).

4

5

6 /s/ (Clerk)
7 Superior Court of New Jersey

8

9 /s/.....
10 Attorney for Plaintiff

11

12 As by the record of said Writ of Execution in the Office of the
13 Superior Court of New Jersey, at Trenton, in Book
14 (number) of Executions, Page (number) etc., may more fully
15 appear.

16

17 AND WHEREAS I, the said (name), as such
18 Sheriff as aforesaid did in due form of law, before making such sale
19 give notice of the time and place of such sale by public
20 advertisement signed by myself, and set up in my office in the
21 (name) Building in (name) County,
22 being the County in which said real estate is situate and also set up
23 at the premises to be sold at least three weeks next before the time
24 appointed for such sale.

25

26 I also caused such notice to be published four times in two
27 newspapers designated by me and printed and published in the said
28 County, the County wherein the real estate sold is situate, the same
29 being designated for the publication by the Laws of this State, and
30 circulating in the neighborhood of said real estate, at least once a
31 week during four consecutive calendar weeks. One of such
32 newspapers, (name of newspaper) is a newspaper
33 with circulation in (name of town), the County seat of
34 said (name) County. The first publication was at least
35 twenty-one days prior and the last publication not more than eight
36 days prior to the time appointed for the sale of such real estate, and
37 by virtue of the said Writ of Execution, I did offer for sale said land
38 and premises at public vendue at the County (name)
39 Building in (name of town) on the (date)
40 day of, (month) (year) at the hour of
41 (time) in the (a.m. or p.m.).

42

43 WHEREUPON the said party of the second part bidding
44 therefore for the same, the sum of \$..... (amount) and no
45 other person bidding as much I did then and there openly and
46 publicly in due form of law between the hours of (time)
47 and (time) in the (a.m. or p.m.), strike off and sell
48 tracts or parcels of land and premises for the sum of \$
49 (amount) to the said party of the second part being then and there

1 the highest bidder for same. And on the (date) of
2 (month) in the year last aforesaid I did truly report the
3 said sale to the Superior Court of New Jersey, Chancery Division
4 and no objection to the said sale having been made, and by
5 Assignment of Bid filed with the Sheriff of (name)
6 County said bidder assigned its bid to:

7
8
9

10
11 NOW, THEREFORE, This Indenture witnesseth, that I, the said
12 (name), as such Sheriff as aforesaid under and by the
13 virtue of the said Writ of Execution and in execution of the power
14 and trust in me reposed and also for and in consideration of the said
15 sum of \$ (amount) therefrom acquit, exonerate and
16 forever discharge to the said party of the second part, its successors
17 and assigns, all and singular the said tract or parcel of lands and
18 premises, with the appurtenances, privileges, and hereditaments
19 thereunto belonging or in any way appertaining; to have and hold
20 the same, unto the said party of the second part, its successors and
21 assigns to its and their only proper use, benefit, and behoof forever,
22 in as full, ample and beneficial manner as by virtue of said Writ of
23 Execution I may, can or ought to convey the same.

24
25 And, I, the said (name), do hereby covenant, promise and
26 agree, to and with the said party of the second part, its successors
27 and assigns, that I have not, as such Sheriff as aforesaid, done or
28 caused, suffered or procured to be done any act, matter or thing
29 whereby the said premises, or any part thereof, with the
30 appurtenances, are or may be charged or encumbered in estate, title
31 or otherwise.

32
33 IN WITNESS WHEREOF, I the said (name) as such
34 Sheriff as aforesaid, have hereunto set my hand and seal the day and
35 year aforesaid.

36
37 Signed, sealed and delivered
38 in the presence of
39
40
41
42 Attorney at Law of New Jersey(name) Sheriff

43
44
45 STATE OF NEW JERSEY) SS.
46(county)

1 I, (name), Sheriff, of the County of (name),
 2 do solemnly swear that the real estate described in this deed made
 3 to
 4
 5
 6
 7 was by me sold by virtue of a good and subsisting execution (or as
 8 the case may be) as is therein recited, that the money ordered to be
 9 made has not been to my knowledge or belief paid or satisfied, that
 10 the time and place of the same of said real estate were by me duly
 11 advertised as required by law, and that the same was cried off and
 12 sold to a bona fide purchaser for the best price that could be
 13 obtained and the true consideration for this conveyance as set forth
 14 in the deed is \$ (amount).

15
 16
 17 (name), Sheriff
 18

19 Sworn before me, (name), on this (date) day of
 20 (month), (year), and I having examined the deed
 21 above mentioned do approve the same and order it to be recorded as
 22 a good and sufficient conveyance of the real estate therein
 23 described.
 24

25 STATE OF NEW JERSEY) ss.
 26 (Name) County) Attorney or Notary Public
 27

28 On this (date) day of (month), (year),
 29 before me, the subscriber, (name) personally
 30 appeared (name), Sheriff of the County of
 31 (name) aforesaid, who is, I am satisfied, the grantor in the within
 32 Indenture named, and I having first made known to him the contents
 33 thereof, he did thereupon acknowledge that he signed, sealed and
 34 delivered the same on his voluntary act and deed, for the uses and
 35 purposes therein expressed.

36
 37
 38 Attorney or Notary Public
 39

40 b. At the conclusion of the sheriff's sale, the attorney for the
 41 plaintiff **may** shall prepare and deliver to the sheriff a deed which
 42 shall be in the form provided pursuant to paragraph **[(5)] (6)** of
 43 subsection a. of this section for the sheriff's execution and the deed
 44 shall be delivered to the sheriff within 10 days of the date of the
 45 sale. The sheriff shall be entitled to the authorized fee, as a review
 46 fee, even if the plaintiff's attorney prepares the deed.

47 c. The sheriff's office shall, within two weeks of the date of the
 48 sale, deliver a fully executed deed to the successful bidder at the
 49 sale provided that the bidder pays the balance of the monies due to

1 the Sheriff by either cash or certified or cashier's check. In the
2 event a bid is satisfied after the expiration and additional interest is
3 collected from the successful bidder, the sheriff shall remit to the
4 plaintiff the total amount, less any fees, costs and commissions due
5 the sheriff, along with the additional interest.

6 (cf: P.L.1995, c.244, s.12)

7

8 2. N.J.S.2A:17-36 is amended to read as follows:

9 2A:17-36. Adjournments of sale of real estate. **[A]**
10 Notwithstanding any other law or court rule to the contrary, a
11 sheriff or other officer selling real estate by virtue of an execution
12 may make ~~two~~ ^{four} ~~five~~ adjournments of the sale, two at the
13 request of the lender ~~and~~ ^{and} two at the request of the debtor, ^{and}
14 one if both the lender and debtor agree to an adjournment, ^{and} and no
15 more, to any time, not exceeding ~~14~~ ³⁰ calendar days for each
16 adjournment. However, a court of competent jurisdiction may, for
17 cause, order further adjournments.

18 (cf: P.L.1995, c.244, s.14)

19

20 3. This act shall take effect on the 90th day following
21 enactment.

22

23

24

25

26 Revises certain procedures for real estate foreclosure sales; alters
27 adjournment of sale process.

SENATE, No. 3464

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman BENJIE E. WIMBERLY

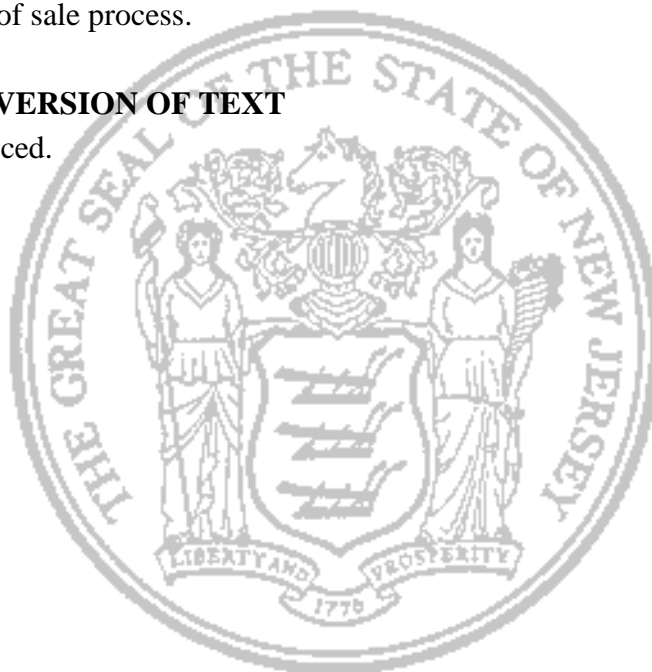
District 35 (Bergen and Passaic)

SYNOPSIS

Revises certain procedures for real estate foreclosure sales; alters adjournment of sale process.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/26/2019)

S3464 SINGLETON, OROHO

2

1 AN ACT concerning sales of foreclosed properties and amending
2 P.L.1995, c.244 and N.J.S.2A:17-36.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
8 read as follows:

9 12. a. With respect to the sale of a mortgaged premises under
10 foreclosure action, each sheriff in this State shall provide for, but
11 not be limited to, the following uniform procedures:

12 (1) Bidding in the name of the assignee of the foreclosing
13 plaintiff.

14 (2) That adjournment of the sale of the foreclosed property shall
15 be in accordance with N.J.S.2A:17-36.

16 (3) (a) The sheriff shall **【schedule】** conduct a sale **【date】**
17 within 120 days of the sheriff's receipt of any writ of execution
18 issued by the court in any foreclosure proceeding.

19 (b) If it becomes apparent that the sheriff cannot comply with
20 the provisions of subparagraph (a) of this paragraph (3), the
21 foreclosing plaintiff may apply to the office for an order appointing
22 a Special Master to hold the foreclosure sale.

23 (c) Upon the foreclosing plaintiff making such application to the
24 office, the office shall issue the appropriate order appointing a
25 Special Master to hold the foreclosure sale. The office may issue
26 the order to appoint a Special Master to hold foreclosure sales for
27 one or more properties within a vicinage.

28 (4) That the successful bidder at the sheriff's sale shall pay a 20
29 percent deposit in either cash or by a certified or cashier's check,
30 made payable to the sheriff of the county in which the sale is
31 conducted, immediately upon the conclusion of the foreclosure sale.
32 If the successful bidder cannot satisfy this requirement, the bidder
33 shall be in default and the sheriff shall immediately void the sale
34 and proceed further with the resale of the premises without the
35 necessity of adjourning the sale, without renotification of any party
36 to the foreclosure and without the republication of any sales notice.
37 Upon such resale, the defaulting bidder shall be liable to the
38 foreclosing plaintiff for any additional costs incurred by such
39 default including, but not limited to, any difference between the
40 amount bid by the defaulting bidder and the amount generated for
41 the foreclosing plaintiff at the resale. In the event the plaintiff is
42 the successful bidder at the resale, the plaintiff shall provide a credit
43 for the fair market value of the property foreclosed.

44 (5) It is permissible, upon consent of the sheriff conducting the
45 sheriff's sale, that it shall not be necessary for an attorney or

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 representative of the person who initiated the foreclosure to be
2 present physically at the sheriff's sale to make a bid. A letter
3 containing bidding instructions may be sent to the sheriff in lieu of
4 an appearance.

5 (6) That each sheriff's office shall use, and the plaintiff's
6 attorney shall prepare and submit to the sheriff's office, a deed
7 which shall be in substantially the following form:

8

9 THIS INDENTURE,

10

11 made this (date) day of (month),
12 (year). Between (name), Sheriff of the County
13 of (name) in the State of New Jersey, party of the first
14 part and (name(s)) party of the
15 second part, witnesseth.

16

17

18 WHEREAS, on the (date) day of
19 (month), (year), a certain Writ of Execution was issued out of
20 the Superior Court of New Jersey, Chancery Division-
21 (name) County, Docket No. directed and delivered to the
22 Sheriff of the said County of (name) and which said
23 Writ is in the words or to the effect following that is to say:

24

25 THE STATE OF NEW JERSEY to the Sheriff of the County of
26 (name),
27 Greeting:

28

29 WHEREAS, on the (date) day of (month),
30 (year), by a certain judgment made in our Superior Court
31 of New Jersey, in a certain cause therein pending, wherein the
32 PLAINTIFF is:

33

34

35

36 and the following named parties are the DEFENDANTS:

37

38

39

40

41 IT WAS ORDERED AND ADJUDGED that certain mortgaged
42 premises, with the appurtenances in the Complaint, and Amendment
43 to Complaint, if any, in the said cause particularly set forth and
44 described, that is to say: The mortgaged premises are described as
45 set forth upon the RIDER ANNEXED HERETO AND MADE A
46 PART HEREOF.

S3464 SINGLETON, OROHO

1 BEING KNOWN AS Tax Lot (number) in Block
2 (number) COMMONLY KNOWN AS (street address)
3

4
5 TOGETHER, with all and singular the rights, liberties, privileges,
6 hereditaments and appurtenances thereunto belonging or in anywise
7 appertaining, and the reversion and remainders, rents, issues and
8 profits thereof, and also all the estate, right, title, interest, use,
9 property, claim and demand of the said defendants of, in, to and out
10 of the same, to be sold, to pay and satisfy in the first place unto the
11 plaintiff,

12
13

14
15 the sum of \$ (amount) being the principal, interest and
16 advances secured by a certain mortgage dated (date,
17 month, year) and given by (name) together with
18 lawful interest from

19
20
21

22
23 until the same be paid and satisfied and also the costs of the
24 aforesaid plaintiff with interest thereon.

25
26 AND for that purpose a Writ of Execution should issue, directed to
27 the Sheriff of the County of (name) commanding him to
28 make sale as aforesaid; and that the surplus money arising from
29 such sale, if any there be, should be brought into our said Court, as
30 by the judgment remaining as of record in our said Superior Court
31 of New Jersey, at Trenton, doth and more fully appear; and
32 whereas, the costs and Attorney's fees of the said plaintiff have
33 been duly taxed at the following sum: \$ (amount)

34
35 THEREFORE, you are hereby commanded that you cause to be
36 made of the premises aforesaid, by selling so much of the same as
37 may be needful and necessary for the purpose, the said sum of
38 \$..... (amount) and the same you do pay to the said plaintiff
39 together with contract and lawful interest thereon as aforesaid, and
40 the sum aforesaid of costs with interest thereon.

41
42 And that you have the surplus money, if any there be, before our
43 said Superior Court of New Jersey, aforesaid at Trenton, within 30
44 days after pursuant to R.4:59-1(a), to abide the further Order of the
45 said Court, according to judgment aforesaid, and you are to make
46 return at the time and place aforesaid, by certificate under your
47 hand, of the manner in which you have executed this our Writ,
48 together with this Writ, and if no sale, this Writ shall be returnable
49 within 12 months.

1 WITNESS, the Honorable (name), Judge of the Superior
2 Court at Trenton, aforesaid, the (date) day of
3 (month), (year).

4
5 /s/ (Clerk)
6 Superior Court of New Jersey
7

8 /s/.....
9 Attorney for Plaintiff
10

11 As by the record of said Writ of Execution in the Office of the
12 Superior Court of New Jersey, at Trenton, in Book
13 (number) of Executions, Page (number) etc., may more fully
14 appear.
15

16 AND WHEREAS I, the said (name), as such
17 Sheriff as aforesaid did in due form of law, before making such sale
18 give notice of the time and place of such sale by public
19 advertisement signed by myself, and set up in my office in the
20 (name) Building in (name) County,
21 being the County in which said real estate is situate and also set up
22 at the premises to be sold at least three weeks next before the time
23 appointed for such sale.
24

25 I also caused such notice to be published four times in two
26 newspapers designated by me and printed and published in the said
27 County, the County wherein the real estate sold is situate, the same
28 being designated for the publication by the Laws of this State, and
29 circulating in the neighborhood of said real estate, at least once a
30 week during four consecutive calendar weeks. One of such
31 newspapers, (name of newspaper) is a newspaper
32 with circulation in (name of town), the County seat of
33 said (name) County. The first publication was at least
34 twenty-one days prior and the last publication not more than eight
35 days prior to the time appointed for the sale of such real estate, and
36 by virtue of the said Writ of Execution, I did offer for sale said land
37 and premises at public vendue at the County (name)
38 Building in (name of town) on the (date)
39 day of, (month) (year) at the hour of
40 (time) in the (a.m. or p.m.).
41

42 WHEREUPON the said party of the second part bidding
43 therefore for the same, the sum of \$..... (amount) and no
44 other person bidding as much I did then and there openly and
45 publicly in due form of law between the hours of (time)
46 and (time) in the (a.m. or p.m.), strike off and sell
47 tracts or parcels of land and premises for the sum of \$
48 (amount) to the said party of the second part being then and there
49 the highest bidder for same. And on the (date) of

S3464 SINGLETON, OROHO

1 (month) in the year last aforesaid I did truly report the
2 said sale to the Superior Court of New Jersey, Chancery Division
3 and no objection to the said sale having been made, and by
4 Assignment of Bid filed with the Sheriff of (name)
5 County said bidder assigned its bid to:
6
7
8

9
10 NOW, THEREFORE, This Indenture witnesseth, that I, the said
11 (name), as such Sheriff as aforesaid under and by the
12 virtue of the said Writ of Execution and in execution of the power
13 and trust in me reposed and also for and in consideration of the said
14 sum of \$ (amount) therefrom acquit, exonerate and
15 forever discharge to the said party of the second part, its successors
16 and assigns, all and singular the said tract or parcel of lands and
17 premises, with the appurtenances, privileges, and hereditaments
18 thereunto belonging or in any way appertaining; to have and hold
19 the same, unto the said party of the second part, its successors and
20 assigns to its and their only proper use, benefit, and behoof forever,
21 in as full, ample and beneficial manner as by virtue of said Writ of
22 Execution I may, can or ought to convey the same.

23
24 And, I, the said (name), do hereby covenant, promise and
25 agree, to and with the said party of the second part, its successors
26 and assigns, that I have not, as such Sheriff as aforesaid, done or
27 caused, suffered or procured to be done any act, matter or thing
28 whereby the said premises, or any part thereof, with the
29 appurtenances, are or may be charged or encumbered in estate, title
30 or otherwise.

31
32 IN WITNESS WHEREOF, I the said (name) as such
33 Sheriff as aforesaid, have hereunto set my hand and seal the day and
34 year aforesaid.

35
36 Signed, sealed and delivered
37 in the presence of
38
39
40
41 Attorney at Law of New Jersey(name) Sheriff

42
43
44 STATE OF NEW JERSEY) SS.
45(county)

46
47 I, (name), Sheriff, of the County of (name),
48 do solemnly swear that the real estate described in this deed made
49 to

1
2
3
4

5 was by me sold by virtue of a good and subsisting execution (or as
6 the case may be) as is therein recited, that the money ordered to be
7 made has not been to my knowledge or belief paid or satisfied, that
8 the time and place of the same of said real estate were by me duly
9 advertised as required by law, and that the same was cried off and
10 sold to a bona fide purchaser for the best price that could be
11 obtained and the true consideration for this conveyance as set forth
12 in the deed is \$ (amount).

13
14
15 (name), Sheriff
16

17 Sworn before me, (name), on this (date) day of
18 (month), (year), and I having examined the deed
19 above mentioned do approve the same and order it to be recorded as
20 a good and sufficient conveyance of the real estate therein
21 described.

22
23 STATE OF NEW JERSEY) ss.
24 (Name) County) Attorney or Notary Public
25

26 On this (date) day of (month), (year),
27 before me, the subscriber, (name) personally
28 appeared (name), Sheriff of the County of
29 (name) aforesaid, who is, I am satisfied, the grantor in the within
30 Indenture named, and I having first made known to him the contents
31 thereof, he did thereupon acknowledge that he signed, sealed and
32 delivered the same on his voluntary act and deed, for the uses and
33 purposes therein expressed.

34
35
36
37 Attorney or Notary Public
38

39 b. At the conclusion of the sheriff's sale, the attorney for the
40 plaintiff **[may]** shall prepare and deliver to the sheriff a deed which
41 shall be in the form provided pursuant to paragraph **[(5)]** (6) of
42 subsection a. of this section for the sheriff's execution and the deed
43 shall be delivered to the sheriff within 10 days of the date of the
44 sale. The sheriff shall be entitled to the authorized fee, as a review
45 fee, even if the plaintiff's attorney prepares the deed.

46 c. The sheriff's office shall, within two weeks of the date of the
47 sale, deliver a fully executed deed to the successful bidder at the
48 sale provided that the bidder pays the balance of the monies due to
49 the Sheriff by either cash or certified or cashier's check. In the

1 event a bid is satisfied after the expiration and additional interest is
2 collected from the successful bidder, the sheriff shall remit to the
3 plaintiff the total amount, less any fees, costs and commissions due
4 the sheriff, along with the additional interest.

5 (cf: P.L.1995, c.244, s.12)

6
7 2. N.J.S.2A:17-36 is amended to read as follows:

8 2A:17-36. Adjournments of sale of real estate. **[A]**
9 Notwithstanding any other law or court rule to the contrary, a
10 sheriff or other officer selling real estate by virtue of an execution
11 may make **[two]** four adjournments of the sale, two at the request
12 of the lender and two at the request of the debtor, and no more, to
13 any time, not exceeding **[14]** 30 calendar days for each
14 adjournment. However, a court of competent jurisdiction may, for
15 cause, order further adjournments.

16 (cf: P.L.1995, c.244, s.14)

17
18 3. This act shall take effect on the 90th day following
19 enactment.

20
21
22 STATEMENT

23
24 This bill revises certain procedures under the “Fair Foreclosure
25 Act” to expedite residential mortgage foreclosure proceedings. The
26 bill requires the sheriff to conduct a foreclosure sale within 120
27 days of the sheriff's receipt of a writ of execution, instead of
28 scheduling a closing sale within that time frame, as currently
29 provided by the act. The bill also allows the Office of Foreclosure
30 within the Administrative Office of the Courts to issue an order to
31 appoint a Special Master to hold foreclosure sales for one or more
32 properties within a vicinage. The bill also clarifies that, to convey
33 the foreclosed property to the purchaser from the sheriff's sale, the
34 plaintiff's attorney is required to prepare, and the sheriff's office is
35 required to use, the standard form of deed that is set forth in the
36 “Fair Foreclosure Act.”

37 The bill also revises the statute that governs the process for
38 adjournments in connection with sales of real estate by virtue of an
39 execution. The bill provides that a sheriff or other officer
40 conducting the sale may make up to four adjournments, two at the
41 request of the lender and two at the request of the debtor, instead of
42 the total of two adjournments that the statute currently allows. The
43 bill provides that these adjournments shall not exceed 30 calendar
44 days each, instead of the 14 calendar days currently provided for in
45 the statute. As currently provided in the statute, a court of
46 competent jurisdiction may, for cause, make further adjournments.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3464

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 3464.

This bill revises certain procedures under the “Fair Foreclosure Act” (FFA) to expedite residential mortgage foreclosure proceedings.

The bill requires the sheriff to conduct a foreclosure sale within 120 days of the sheriff’s receipt of a writ of execution, instead of scheduling a closing sale within that time frame, as currently provided by the FFA. The bill also allows the Office of Foreclosure within the Administrative Office of the Courts to issue an order to appoint a Special Master to hold foreclosure sales for one or more properties within a vicinage. The bill clarifies that, to convey the foreclosed property to the purchaser from the sheriff’s sale, the plaintiff’s attorney would be required to prepare, and the sheriff’s office required to use, the standard form of deed set forth in the FFA.

Additionally, the bill revises the statute that governs the process for adjournments in connection with sales of real estate by virtue of an execution. The bill provides that a sheriff or other officer conducting the sale may make up to four adjournments, two at the request of the lender and two at the request of the debtor. Current law allows for a total of two adjournments.

Finally, the bill provides that the adjournments would not be permitted to exceed 30 calendar days each, instead of the 14 calendar days currently provided for in the statute. The bill leaves intact a current provision of that law that permits a court of competent jurisdiction to make further adjournments for cause.

STATEMENT TO
SENATE, No. 3464

with Assembly Floor Amendments
(Proposed by Assemblyman COUGHLIN)

ADOPTED: MARCH 25, 2019

The amendments provide that a sheriff must conduct a foreclosure sale within 150 days, instead of within 120 days, of the sheriff's receipt of a writ of execution. The amendments also provide that a sheriff or other officer conducting a foreclosure sale may make up to five adjournments, two at the request of the lender, two at the request of the debtor, and one if both the lender and debtor agree to an adjournment.

ASSEMBLY, No. 5019

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Revises certain real estate foreclosure sale procedures.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/15/2019)

1 AN ACT concerning sales of foreclosed properties and amending
2 P.L.1995, c.244 and N.J.S.2A:17-36.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
8 read as follows:

9 12. a. With respect to the sale of a mortgaged premises under
10 foreclosure action, each sheriff in this State shall provide for, but
11 not be limited to, the following uniform procedures:

12 (1) Bidding in the name of the assignee of the foreclosing
13 plaintiff.

14 (2) That adjournment of the sale of the foreclosed property shall
15 be in accordance with N.J.S.2A:17-36.

16 (3) (a) The sheriff shall **【schedule】** conduct a sale **【date】**
17 within 120 days of the sheriff's receipt of any writ of execution
18 issued by the court in any foreclosure proceeding.

19 (b) If it becomes apparent that the sheriff cannot comply with
20 the provisions of subparagraph (a) of this paragraph (3), the
21 foreclosing plaintiff may apply to the office for an order appointing
22 a Special Master to hold the foreclosure sale.

23 (c) Upon the foreclosing plaintiff making such application to the
24 office, the office shall issue the appropriate order appointing a
25 Special Master to hold the foreclosure sale. The office may issue
26 the order to appoint a Special Master to hold foreclosure sales for
27 one or more properties within a vicinage.

28 (4) That the successful bidder at the sheriff's sale shall pay a 20
29 percent deposit in either cash or by a certified or cashier's check,
30 made payable to the sheriff of the county in which the sale is
31 conducted, immediately upon the conclusion of the foreclosure sale.
32 If the successful bidder cannot satisfy this requirement, the bidder
33 shall be in default and the sheriff shall immediately void the sale
34 and proceed further with the resale of the premises without the
35 necessity of adjourning the sale, without renotification of any party
36 to the foreclosure and without the republication of any sales notice.
37 Upon such resale, the defaulting bidder shall be liable to the
38 foreclosing plaintiff for any additional costs incurred by such
39 default including, but not limited to, any difference between the
40 amount bid by the defaulting bidder and the amount generated for
41 the foreclosing plaintiff at the resale. In the event the plaintiff is
42 the successful bidder at the resale, the plaintiff shall provide a credit
43 for the fair market value of the property foreclosed.

44 (5) It is permissible, upon consent of the sheriff conducting the
45 sheriff's sale, that it shall not be necessary for an attorney or

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 representative of the person who initiated the foreclosure to be
2 present physically at the sheriff's sale to make a bid. A letter
3 containing bidding instructions may be sent to the sheriff in lieu of
4 an appearance.

5 (6) That each sheriff's office shall use, and the plaintiff's
6 attorney shall prepare and submit to the sheriff's office, a deed
7 which shall be in substantially the following form:

8
9 THIS INDENTURE,

10
11 made this (date) day of (month),
12 (year). Between (name), Sheriff of the County
13 of (name) in the State of New Jersey, party of the first
14 part and (name(s)) party of the
15 second part, witnesseth.

16
17 WHEREAS, on the (date) day of
18 (month), (year), a certain Writ of Execution was issued out of
19 the Superior Court of New Jersey, Chancery Division-
20 (name) County, Docket No. directed and delivered to the
21 Sheriff of the said County of (name) and which said
22 Writ is in the words or to the effect following that is to say:

23
24 THE STATE OF NEW JERSEY to the Sheriff of the County of
25 (name),
26 Greeting:

27
28 WHEREAS, on the (date) day of (month),
29 (year), by a certain judgment made in our Superior Court
30 of New Jersey, in a certain cause therein pending, wherein the
31 PLAINTIFF is:

32
33
34

35 and the following named parties are the DEFENDANTS:

36
37
38

39
40 IT WAS ORDERED AND ADJUDGED that certain mortgaged
41 premises, with the appurtenances in the Complaint, and Amendment
42 to Complaint, if any, in the said cause particularly set forth and
43 described, that is to say: The mortgaged premises are described as
44 set forth upon the RIDER ANNEXED HERETO AND MADE A
45 PART HEREOF.

1 BEING KNOWN AS Tax Lot (number) in Block
2 (number) COMMONLY KNOWN AS (street address)
3

4
5 TOGETHER, with all and singular the rights, liberties, privileges,
6 hereditaments and appurtenances thereunto belonging or in anywise
7 appertaining, and the reversion and remainders, rents, issues and
8 profits thereof, and also all the estate, right, title, interest, use,
9 property, claim and demand of the said defendants of, in, to and out
10 of the same, to be sold, to pay and satisfy in the first place unto the
11 plaintiff,

12
13

14
15 the sum of \$ (amount) being the principal, interest and
16 advances secured by a certain mortgage dated (date,
17 month, year) and given by (name) together with
18 lawful interest from

19
20
21

22
23 until the same be paid and satisfied and also the costs of the
24 aforesaid plaintiff with interest thereon.

25
26 AND for that purpose a Writ of Execution should issue, directed to
27 the Sheriff of the County of (name) commanding him to
28 make sale as aforesaid; and that the surplus money arising from
29 such sale, if any there be, should be brought into our said Court, as
30 by the judgment remaining as of record in our said Superior Court
31 of New Jersey, at Trenton, doth and more fully appear; and
32 whereas, the costs and Attorney's fees of the said plaintiff have
33 been duly taxed at the following sum: \$ (amount)

34
35 THEREFORE, you are hereby commanded that you cause to be
36 made of the premises aforesaid, by selling so much of the same as
37 may be needful and necessary for the purpose, the said sum of
38 \$..... (amount) and the same you do pay to the said plaintiff
39 together with contract and lawful interest thereon as aforesaid, and
40 the sum aforesaid of costs with interest thereon.

41
42 And that you have the surplus money, if any there be, before our
43 said Superior Court of New Jersey, aforesaid at Trenton, within 30
44 days after pursuant to R.4:59-1(a), to abide the further Order of the
45 said Court, according to judgment aforesaid, and you are to make
46 return at the time and place aforesaid, by certificate under your
47 hand, of the manner in which you have executed this our Writ,

1 together with this Writ, and if no sale, this Writ shall be returnable
2 within 12 months.

3
4 WITNESS, the Honorable (name), Judge of the Superior
5 Court at Trenton, aforesaid, the (date) day of
6 (month), (year).

7
8 /s/ (Clerk)
9 Superior Court of New Jersey

10
11 /s/.....
12 Attorney for Plaintiff

13
14 As by the record of said Writ of Execution in the Office of the
15 Superior Court of New Jersey, at Trenton, in Book
16 (number) of Executions, Page (number) etc., may more fully
17 appear.

18
19 AND WHEREAS I, the said (name), as such
20 Sheriff as aforesaid did in due form of law, before making such sale
21 give notice of the time and place of such sale by public
22 advertisement signed by myself, and set up in my office in the
23 (name) Building in (name) County,
24 being the County in which said real estate is situate and also set up
25 at the premises to be sold at least three weeks next before the time
26 appointed for such sale.

27
28 I also caused such notice to be published four times in two
29 newspapers designated by me and printed and published in the said
30 County, the County wherein the real estate sold is situate, the same
31 being designated for the publication by the Laws of this State, and
32 circulating in the neighborhood of said real estate, at least once a
33 week during four consecutive calendar weeks. One of such
34 newspapers, (name of newspaper) is a newspaper
35 with circulation in (name of town), the County seat of
36 said (name) County. The first publication was at least
37 twenty-one days prior and the last publication not more than eight
38 days prior to the time appointed for the sale of such real estate, and
39 by virtue of the said Writ of Execution, I did offer for sale said land
40 and premises at public vendue at the County (name)
41 Building in (name of town) on the (date)
42 day of, (month) (year) at the hour of
43 (time) in the (a.m. or p.m.).

44
45 WHEREUPON the said party of the second part bidding
46 therefore for the same, the sum of \$..... (amount) and no
47 other person bidding as much I did then and there openly and
48 publicly in due form of law between the hours of (time)

1 and (time) in the (a.m. or p.m.), strike off and sell
2 tracts or parcels of land and premises for the sum of \$
3 (amount) to the said party of the second part being then and there
4 the highest bidder for same. And on the (date) of
5 (month) in the year last aforesaid I did truly report the
6 said sale to the Superior Court of New Jersey, Chancery Division
7 and no objection to the said sale having been made, and by
8 Assignment of Bid filed with the Sheriff of (name)
9 County said bidder assigned its bid to:

10
11
12

13
14 NOW, THEREFORE, This Indenture witnesseth, that I, the said
15 (name), as such Sheriff as aforesaid under and by the
16 virtue of the said Writ of Execution and in execution of the power
17 and trust in me reposed and also for and in consideration of the said
18 sum of \$ (amount) therefrom acquit, exonerate and
19 forever discharge to the said party of the second part, its successors
20 and assigns, all and singular the said tract or parcel of lands and
21 premises, with the appurtenances, privileges, and hereditaments
22 thereunto belonging or in any way appertaining; to have and hold
23 the same, unto the said party of the second part, its successors and
24 assigns to its and their only proper use, benefit, and behoof forever,
25 in as full, ample and beneficial manner as by virtue of said Writ of
26 Execution I may, can or ought to convey the same.

27
28 And, I, the said (name), do hereby covenant, promise and
29 agree, to and with the said party of the second part, its successors
30 and assigns, that I have not, as such Sheriff as aforesaid, done or
31 caused, suffered or procured to be done any act, matter or thing
32 whereby the said premises, or any part thereof, with the
33 appurtenances, are or may be charged or encumbered in estate, title
34 or otherwise.

35
36 IN WITNESS WHEREOF, I the said (name) as such
37 Sheriff as aforesaid, have hereunto set my hand and seal the day and
38 year aforesaid.

39
40 Signed, sealed and delivered
41 in the presence of

42
43
44
45 Attorney at Law of New Jersey(name) Sheriff

1 STATE OF NEW JERSEY) SS.

2(county)

3

4 I, (name), Sheriff, of the County of (name),
5 do solemnly swear that the real estate described in this deed made
6 to

7

8

9

10

11 was by me sold by virtue of a good and subsisting execution (or as
12 the case may be) as is therein recited, that the money ordered to be
13 made has not been to my knowledge or belief paid or satisfied, that
14 the time and place of the same of said real estate were by me duly
15 advertised as required by law, and that the same was cried off and
16 sold to a bona fide purchaser for the best price that could be
17 obtained and the true consideration for this conveyance as set forth
18 in the deed is \$ (amount).

19

20

21 (name), Sheriff

22

23 Sworn before me, (name), on this (date) day of
24 (month), (year), and I having examined the deed
25 above mentioned do approve the same and order it to be recorded as
26 a good and sufficient conveyance of the real estate therein
27 described.

28

29 STATE OF NEW JERSEY) ss.

30 (Name) County) Attorney or Notary Public

31

32 On this (date) day of (month), (year),
33 before me, the subscriber, (name) personally
34 appeared (name), Sheriff of the County of
35 (name) aforesaid, who is, I am satisfied, the grantor in the within
36 Indenture named, and I having first made known to him the contents
37 thereof, he did thereupon acknowledge that he signed, sealed and
38 delivered the same on his voluntary act and deed, for the uses and
39 purposes therein expressed.

40

41

42

43 Attorney or Notary Public

44

45 b. At the conclusion of the sheriff's sale, the attorney for the
46 plaintiff **【may】 shall** prepare and deliver to the sheriff a deed which
47 shall be in the form provided pursuant to paragraph **【5】 (6)** of
48 subsection a. of this section for the sheriff's execution and the deed

1 shall be delivered to the sheriff within 10 days of the date of the
2 sale. The sheriff shall be entitled to the authorized fee, as a review
3 fee, even if the plaintiff's attorney prepares the deed.

4 c. The sheriff's office shall, within two weeks of the date of the
5 sale, deliver a fully executed deed to the successful bidder at the
6 sale provided that the bidder pays the balance of the monies due to
7 the Sheriff by either cash or certified or cashier's check. In the
8 event a bid is satisfied after the expiration and additional interest is
9 collected from the successful bidder, the sheriff shall remit to the
10 plaintiff the total amount, less any fees, costs and commissions due
11 the sheriff, along with the additional interest.

12 (cf: P.L.1995, c.244, s.12)

13

14 2. N.J.S.2A:17-36 is amended to read as follows:

15 2A:17-36. Adjournments of sale of real estate. A sheriff or
16 other officer selling real estate by virtue of an execution may make
17 two adjournments of the sale, and no more, to any time, not
18 exceeding **[14]** 30 calendar days for each adjournment. However,
19 a court of competent jurisdiction may, for cause, order further
20 adjournments.

21 (cf: P.L.1995, c.244, s.14)

22

23 3. This act shall take effect on the 90th day after enactment.

24

25

26

STATEMENT

27

28 This bill revises certain procedures under the "Fair Foreclosure
29 Act" to expedite residential mortgage foreclosure proceedings. The
30 bill requires the sheriff to conduct a foreclosure sale within 120
31 days of the sheriff's receipt of a writ of execution, instead of
32 scheduling a closing sale within that time frame, as currently
33 provided by the act. The bill also allows the Office of Foreclosure
34 within the Administrative Office of the Courts to issue an order to
35 appoint a Special Master to hold foreclosure sales for one or more
36 properties within a vicinage. The bill also clarifies that in order to
37 convey the foreclosed property to the purchaser from the sheriff's
38 sale, the plaintiff's attorney is required to prepare, and the sheriff's
39 office is required to use, the standard form of deed that is set forth
40 in the "Fair Foreclosure Act."

41 The bill also revises the process for adjournments in connection
42 with sales of real estate by virtue of an execution. The bill provides
43 that, with respect to a sheriff or other officer conducting the sale,
44 adjournments will not exceed 30 calendar days.

ASSEMBLY, No. 5019

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Revises certain real estate foreclosure sale procedures.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/15/2019)

1 AN ACT concerning sales of foreclosed properties and amending
2 P.L.1995, c.244 and N.J.S.2A:17-36.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
8 read as follows:

9 12. a. With respect to the sale of a mortgaged premises under
10 foreclosure action, each sheriff in this State shall provide for, but
11 not be limited to, the following uniform procedures:

12 (1) Bidding in the name of the assignee of the foreclosing
13 plaintiff.

14 (2) That adjournment of the sale of the foreclosed property shall
15 be in accordance with N.J.S.2A:17-36.

16 (3) (a) The sheriff shall **【schedule】** conduct a sale **【date】**
17 within 120 days of the sheriff's receipt of any writ of execution
18 issued by the court in any foreclosure proceeding.

19 (b) If it becomes apparent that the sheriff cannot comply with
20 the provisions of subparagraph (a) of this paragraph (3), the
21 foreclosing plaintiff may apply to the office for an order appointing
22 a Special Master to hold the foreclosure sale.

23 (c) Upon the foreclosing plaintiff making such application to the
24 office, the office shall issue the appropriate order appointing a
25 Special Master to hold the foreclosure sale. The office may issue
26 the order to appoint a Special Master to hold foreclosure sales for
27 one or more properties within a vicinage.

28 (4) That the successful bidder at the sheriff's sale shall pay a 20
29 percent deposit in either cash or by a certified or cashier's check,
30 made payable to the sheriff of the county in which the sale is
31 conducted, immediately upon the conclusion of the foreclosure sale.
32 If the successful bidder cannot satisfy this requirement, the bidder
33 shall be in default and the sheriff shall immediately void the sale
34 and proceed further with the resale of the premises without the
35 necessity of adjourning the sale, without renotification of any party
36 to the foreclosure and without the republication of any sales notice.
37 Upon such resale, the defaulting bidder shall be liable to the
38 foreclosing plaintiff for any additional costs incurred by such
39 default including, but not limited to, any difference between the
40 amount bid by the defaulting bidder and the amount generated for
41 the foreclosing plaintiff at the resale. In the event the plaintiff is
42 the successful bidder at the resale, the plaintiff shall provide a credit
43 for the fair market value of the property foreclosed.

44 (5) It is permissible, upon consent of the sheriff conducting the
45 sheriff's sale, that it shall not be necessary for an attorney or

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 representative of the person who initiated the foreclosure to be
2 present physically at the sheriff's sale to make a bid. A letter
3 containing bidding instructions may be sent to the sheriff in lieu of
4 an appearance.

5 (6) That each sheriff's office shall use, and the plaintiff's
6 attorney shall prepare and submit to the sheriff's office, a deed
7 which shall be in substantially the following form:

8
9 THIS INDENTURE,

10
11 made this (date) day of (month),
12 (year). Between (name), Sheriff of the County
13 of (name) in the State of New Jersey, party of the first
14 part and (name(s)) party of the
15 second part, witnesseth.

16
17 WHEREAS, on the (date) day of
18 (month), (year), a certain Writ of Execution was issued out of
19 the Superior Court of New Jersey, Chancery Division-
20 (name) County, Docket No. directed and delivered to the
21 Sheriff of the said County of (name) and which said
22 Writ is in the words or to the effect following that is to say:

23
24 THE STATE OF NEW JERSEY to the Sheriff of the County of
25 (name),
26 Greeting:

27
28 WHEREAS, on the (date) day of (month),
29 (year), by a certain judgment made in our Superior Court
30 of New Jersey, in a certain cause therein pending, wherein the
31 PLAINTIFF is:

32
33
34

35 and the following named parties are the DEFENDANTS:

36
37
38

39
40 IT WAS ORDERED AND ADJUDGED that certain mortgaged
41 premises, with the appurtenances in the Complaint, and Amendment
42 to Complaint, if any, in the said cause particularly set forth and
43 described, that is to say: The mortgaged premises are described as
44 set forth upon the RIDER ANNEXED HERETO AND MADE A
45 PART HEREOF.

1 BEING KNOWN AS Tax Lot (number) in Block
2 (number) COMMONLY KNOWN AS (street address)
3

4
5 TOGETHER, with all and singular the rights, liberties, privileges,
6 hereditaments and appurtenances thereunto belonging or in anywise
7 appertaining, and the reversion and remainders, rents, issues and
8 profits thereof, and also all the estate, right, title, interest, use,
9 property, claim and demand of the said defendants of, in, to and out
10 of the same, to be sold, to pay and satisfy in the first place unto the
11 plaintiff,

12
13

14
15 the sum of \$ (amount) being the principal, interest and
16 advances secured by a certain mortgage dated (date,
17 month, year) and given by (name) together with
18 lawful interest from

19
20
21

22
23 until the same be paid and satisfied and also the costs of the
24 aforesaid plaintiff with interest thereon.

25
26 AND for that purpose a Writ of Execution should issue, directed to
27 the Sheriff of the County of (name) commanding him to
28 make sale as aforesaid; and that the surplus money arising from
29 such sale, if any there be, should be brought into our said Court, as
30 by the judgment remaining as of record in our said Superior Court
31 of New Jersey, at Trenton, doth and more fully appear; and
32 whereas, the costs and Attorney's fees of the said plaintiff have
33 been duly taxed at the following sum: \$ (amount)

34
35 THEREFORE, you are hereby commanded that you cause to be
36 made of the premises aforesaid, by selling so much of the same as
37 may be needful and necessary for the purpose, the said sum of
38 \$..... (amount) and the same you do pay to the said plaintiff
39 together with contract and lawful interest thereon as aforesaid, and
40 the sum aforesaid of costs with interest thereon.

41
42 And that you have the surplus money, if any there be, before our
43 said Superior Court of New Jersey, aforesaid at Trenton, within 30
44 days after pursuant to R.4:59-1(a), to abide the further Order of the
45 said Court, according to judgment aforesaid, and you are to make
46 return at the time and place aforesaid, by certificate under your
47 hand, of the manner in which you have executed this our Writ,

1 together with this Writ, and if no sale, this Writ shall be returnable
2 within 12 months.

3
4 WITNESS, the Honorable (name), Judge of the Superior
5 Court at Trenton, aforesaid, the (date) day of
6 (month), (year).

7
8 /s/ (Clerk)
9 Superior Court of New Jersey

10
11 /s/.....
12 Attorney for Plaintiff

13
14 As by the record of said Writ of Execution in the Office of the
15 Superior Court of New Jersey, at Trenton, in Book
16 (number) of Executions, Page (number) etc., may more fully
17 appear.

18
19 AND WHEREAS I, the said (name), as such
20 Sheriff as aforesaid did in due form of law, before making such sale
21 give notice of the time and place of such sale by public
22 advertisement signed by myself, and set up in my office in the
23 (name) Building in (name) County,
24 being the County in which said real estate is situate and also set up
25 at the premises to be sold at least three weeks next before the time
26 appointed for such sale.

27
28 I also caused such notice to be published four times in two
29 newspapers designated by me and printed and published in the said
30 County, the County wherein the real estate sold is situate, the same
31 being designated for the publication by the Laws of this State, and
32 circulating in the neighborhood of said real estate, at least once a
33 week during four consecutive calendar weeks. One of such
34 newspapers, (name of newspaper) is a newspaper
35 with circulation in (name of town), the County seat of
36 said (name) County. The first publication was at least
37 twenty-one days prior and the last publication not more than eight
38 days prior to the time appointed for the sale of such real estate, and
39 by virtue of the said Writ of Execution, I did offer for sale said land
40 and premises at public vendue at the County (name)
41 Building in (name of town) on the (date)
42 day of, (month) (year) at the hour of
43 (time) in the (a.m. or p.m.).

44
45 WHEREUPON the said party of the second part bidding
46 therefore for the same, the sum of \$..... (amount) and no
47 other person bidding as much I did then and there openly and
48 publicly in due form of law between the hours of (time)

1 and (time) in the (a.m. or p.m.), strike off and sell
2 tracts or parcels of land and premises for the sum of \$
3 (amount) to the said party of the second part being then and there
4 the highest bidder for same. And on the (date) of
5 (month) in the year last aforesaid I did truly report the
6 said sale to the Superior Court of New Jersey, Chancery Division
7 and no objection to the said sale having been made, and by
8 Assignment of Bid filed with the Sheriff of (name)
9 County said bidder assigned its bid to:

10
11
12

13
14 NOW, THEREFORE, This Indenture witnesseth, that I, the said
15 (name), as such Sheriff as aforesaid under and by the
16 virtue of the said Writ of Execution and in execution of the power
17 and trust in me reposed and also for and in consideration of the said
18 sum of \$ (amount) therefrom acquit, exonerate and
19 forever discharge to the said party of the second part, its successors
20 and assigns, all and singular the said tract or parcel of lands and
21 premises, with the appurtenances, privileges, and hereditaments
22 thereunto belonging or in any way appertaining; to have and hold
23 the same, unto the said party of the second part, its successors and
24 assigns to its and their only proper use, benefit, and behoof forever,
25 in as full, ample and beneficial manner as by virtue of said Writ of
26 Execution I may, can or ought to convey the same.

27
28 And, I, the said (name), do hereby covenant, promise and
29 agree, to and with the said party of the second part, its successors
30 and assigns, that I have not, as such Sheriff as aforesaid, done or
31 caused, suffered or procured to be done any act, matter or thing
32 whereby the said premises, or any part thereof, with the
33 appurtenances, are or may be charged or encumbered in estate, title
34 or otherwise.

35
36 IN WITNESS WHEREOF, I the said (name) as such
37 Sheriff as aforesaid, have hereunto set my hand and seal the day and
38 year aforesaid.

39
40 Signed, sealed and delivered
41 in the presence of

42
43
44
45 Attorney at Law of New Jersey(name) Sheriff

1 STATE OF NEW JERSEY) SS.

2(county)

3

4 I, (name), Sheriff, of the County of (name),
5 do solemnly swear that the real estate described in this deed made
6 to

7

8

9

10

11 was by me sold by virtue of a good and subsisting execution (or as
12 the case may be) as is therein recited, that the money ordered to be
13 made has not been to my knowledge or belief paid or satisfied, that
14 the time and place of the same of said real estate were by me duly
15 advertised as required by law, and that the same was cried off and
16 sold to a bona fide purchaser for the best price that could be
17 obtained and the true consideration for this conveyance as set forth
18 in the deed is \$ (amount).

19

20

21 (name), Sheriff

22

23 Sworn before me, (name), on this (date) day of
24 (month), (year), and I having examined the deed
25 above mentioned do approve the same and order it to be recorded as
26 a good and sufficient conveyance of the real estate therein
27 described.

28

29 STATE OF NEW JERSEY) ss.

30 (Name) County) Attorney or Notary Public

31

32 On this (date) day of (month), (year),
33 before me, the subscriber, (name) personally
34 appeared (name), Sheriff of the County of
35 (name) aforesaid, who is, I am satisfied, the grantor in the within
36 Indenture named, and I having first made known to him the contents
37 thereof, he did thereupon acknowledge that he signed, sealed and
38 delivered the same on his voluntary act and deed, for the uses and
39 purposes therein expressed.

40

41

42

43 Attorney or Notary Public

44

45 b. At the conclusion of the sheriff's sale, the attorney for the
46 plaintiff **may** shall prepare and deliver to the sheriff a deed which
47 shall be in the form provided pursuant to paragraph **5** (6) of
48 subsection a. of this section for the sheriff's execution and the deed

1 shall be delivered to the sheriff within 10 days of the date of the
2 sale. The sheriff shall be entitled to the authorized fee, as a review
3 fee, even if the plaintiff's attorney prepares the deed.

4 c. The sheriff's office shall, within two weeks of the date of the
5 sale, deliver a fully executed deed to the successful bidder at the
6 sale provided that the bidder pays the balance of the monies due to
7 the Sheriff by either cash or certified or cashier's check. In the
8 event a bid is satisfied after the expiration and additional interest is
9 collected from the successful bidder, the sheriff shall remit to the
10 plaintiff the total amount, less any fees, costs and commissions due
11 the sheriff, along with the additional interest.

12 (cf: P.L.1995, c.244, s.12)

13

14 2. N.J.S.2A:17-36 is amended to read as follows:

15 2A:17-36. Adjournments of sale of real estate. A sheriff or
16 other officer selling real estate by virtue of an execution may make
17 two adjournments of the sale, and no more, to any time, not
18 exceeding **[14]** 30 calendar days for each adjournment. However,
19 a court of competent jurisdiction may, for cause, order further
20 adjournments.

21 (cf: P.L.1995, c.244, s.14)

22

23 3. This act shall take effect on the 90th day after enactment.

24

25

26

STATEMENT

27

28 This bill revises certain procedures under the "Fair Foreclosure
29 Act" to expedite residential mortgage foreclosure proceedings. The
30 bill requires the sheriff to conduct a foreclosure sale within 120
31 days of the sheriff's receipt of a writ of execution, instead of
32 scheduling a closing sale within that time frame, as currently
33 provided by the act. The bill also allows the Office of Foreclosure
34 within the Administrative Office of the Courts to issue an order to
35 appoint a Special Master to hold foreclosure sales for one or more
36 properties within a vicinage. The bill also clarifies that in order to
37 convey the foreclosed property to the purchaser from the sheriff's
38 sale, the plaintiff's attorney is required to prepare, and the sheriff's
39 office is required to use, the standard form of deed that is set forth
40 in the "Fair Foreclosure Act."

41 The bill also revises the process for adjournments in connection
42 with sales of real estate by virtue of an execution. The bill provides
43 that, with respect to a sheriff or other officer conducting the sale,
44 adjournments will not exceed 30 calendar days.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5019

STATE OF NEW JERSEY

DATED: MARCH 6, 2019

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 5019 (1R).

This bill revises certain procedures under the “Fair Foreclosure Act” (FFA) to expedite residential mortgage foreclosure proceedings.

The bill requires the sheriff to conduct a foreclosure sale within 120 days of the sheriff’s receipt of a writ of execution. Currently, the sheriff is only required to schedule a closing sale within that time frame. The bill also allows the Office of Foreclosure within the Administrative Office of the Courts to issue an order to appoint a Special Master to hold foreclosure sales for one or more properties within a vicinage. The bill further clarifies that in order to convey the foreclosed property to the purchaser from the sheriff’s sale, the plaintiff’s attorney would be required to prepare, and the sheriff’s office would be required to use, the standard form of deed set forth in the FFA.

Additionally, the bill revises the statute that governs the process for adjournments in connection with sales of real estate by virtue of an execution. The bill provides that a sheriff or other officer conducting the sale may make up to four adjournments, two at the request of the lender and two at the request of the debtor. Current law allows for a total of two adjournments.

The bill also extends the permitted period of each adjournment from 14 calendar days to 30 calendar days. The bill leaves intact a current provision of that law that permits a court of competent jurisdiction to make further adjournments for cause.

As reported by the committee, the bill is identical to Senate Bill No. 3464, which was reported favorably by the Senate Community and Urban Affairs Committee on February 7, 2019.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5019

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5019 (1R).

As amended, this bill revises certain procedures under the “Fair Foreclosure Act” (FFA) to expedite residential mortgage foreclosure proceedings.

The bill requires the sheriff to conduct a foreclosure sale within 150 days of the sheriff’s receipt of a writ of execution, instead of scheduling a closing sale within that time frame, as currently provided by the FFA. The bill also allows the Office of Foreclosure within the Administrative Office of the Courts to issue an order to appoint a Special Master to hold foreclosure sales for one or more properties within a vicinage. The bill clarifies that, to convey the foreclosed property to the purchaser from the sheriff’s sale, the plaintiff’s attorney would be required to prepare, and the sheriff’s office required to use, the standard form of deed set forth in the FFA.

Additionally, the bill revises the statute that governs the process for adjournments in connection with sales of real estate by virtue of an execution. The bill provides that a sheriff or other officer conducting the sale may make up to five adjournments, two at the request of the lender, two at the request of the debtor, and one if both the lender and debtor agree to an adjournment. Current law allows for a total of two adjournments.

Finally, the bill provides that the adjournments would not be permitted to exceed 30 calendar days each, instead of the 14 calendar days currently provided for in the statute. The bill leaves intact a current provision of that law that permits a court of competent jurisdiction to make further adjournments for cause.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) provide that a sheriff must conduct a foreclosure sale within 150 days, instead of within 120 days, of the sheriff’s receipt of a writ of execution; and

2) provide that a sheriff or other officer conducting the sale may make up to five adjournments, two at the request of the lender, two at the request of the debtor, and one if both the lender and debtor agree to an adjournment.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.



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Newark, N.J.

Governor Murphy Signs Legislative Package to Address New Jersey's Foreclosure Crisis

04/29/2019

Governor Murphy Signs Legislative Package to Address New Jersey's Foreclosure Crisis

ATLANTIC CITY – Governor Phil Murphy today signed a bipartisan legislative package into law that will help New Jerseyans struggling with the state's highest-in-the-nation foreclosure rate. The new laws will assist homeowners facing the prospect of foreclosure and pave the way for community revival by addressing blight. Many of the measures were recommended in a September 2018 report by the Special Committee on Residential Foreclosures, which was created by Chief Justice Stuart Rabner.

"The foreclosure crisis has hurt our economy and jeopardized economic security of too many New Jersey families," **said Governor Murphy**. "Our communities cannot succeed while vacant or foreclosed homes sit empty or while families live in limbo. I am proud to sign these bills into law today and get New Jersey closer to ending the foreclosure crisis."

Among the bills, Governor Murphy signed A664, which codifies the Judiciary's Foreclosure Mediation Program into law, creating a long-term, permanent program that will not only increase the number of people entering mediation, but also ensure that homeowners receive housing counseling assistance to help provide them with the best possible outcomes in the foreclosure process.

"The foreclosure crisis hit the families of Atlantic County harder than almost any county in the nation. These bills offer a better path for the region and hope for families in despair," **said Special Counsel Jim Johnson**. "It's a vital and important step forward."

"Foreclosure can take an emotional and financial toll on homeowners and their families. These bills bolster our efforts to help keep families in their homes and neighborhoods intact," **said New Jersey Housing and Mortgage Finance Agency (NJHMFA) Executive Director Charles A. Richman**. "We know housing counseling works. Counseled homeowners are nearly three times as likely to have their loans modified, and 70 percent more likely to remain current after modification. That why we have heavily invested our efforts on working to get families the counseling help they need."

The Governor signed the following nine bills into law:

- **A664** - Codifies the Judiciary's Foreclosure Mediation Program; dedicates monies from foreclosure filing fees and fines.
- **A4997** - "Mortgage Servicers Licensing Act."
- **A4999** - Requires filing of certain creditor contact information with residential mortgage foreclosure complaint and lis pendens.
- **A5001** - Revises statute of limitations for residential mortgage foreclosures.

- **A5002** - Permits certain planned real estate developments to file certain liens; concerns limited priority of certain liens.
- **S3411** - Requires receivership appointment application prior to certain foreclosure actions; requires notice of intention to foreclosure on residential mortgage to be filed within 180 days prior to commencing foreclosure; limits reinstatements of dismissed mortgage foreclosure actions.
- **S3413** - Makes certain changes to summary action foreclosure process under "Fair Foreclosure Act."
- **S3416** - Clarifies that "New Jersey Residential Mortgage Lending Act" applies to certain out-of-state persons and involved in residential mortgage lending in the State.
- **S3464** - Revises certain procedures for real estate foreclosure sales; alters adjournment of sale process.

"Foreclosures are tragic situations for New Jersey families that can also create public safety as well as quality of life issues for surrounding communities," **said Senator Steve Oroho**, sponsor of the bill package. "Doing our part to reduce the foreclosure rate statewide will protect families, make neighborhoods safer, and provide children the stability they need both at home and at school. I am proud Governor Murphy signed our bipartisan bill package into law. Stable homes will lead to happier households and better neighborhoods throughout our state."

"We are all aware that the surge in foreclosed properties is a significant factor that hinders more sustained economic growth in our state," **said Senator Troy Singleton**. "Solving the foreclosure issue by preventing homeowners from initially falling into this process will help to increase property values and stabilize our communities, while improving our state's overall economic outlook. This issue is not new. However, the comprehensive approach outlined in these bipartisan laws is unprecedented in our state. They will build upon the continued reduction in pending foreclosure cases and shorten the timeline to adjudicate these cases. This is a reflection of the work undertaken by every branch of our state government."

"Sadly, for too long our state has led the nation in foreclosures, with 70,000 properties going through the process in 2017 alone. Recognizing this problem, Chief Justice Rabner impaneled a blue ribbon committee encompassing the public, private and non-profit sectors to craft solutions, both legislative and regulatory, that were both fair and responsible to our state's residents and housing economy. I was privileged to serve and be a part of the solution," **said Assembly Speaker Craig Coughlin**. "The nine bills signed into law today are the first of many steps we'll take to address foreclosure process concerns in the state. More efficiency and ensuring fairness in the current system protects the interests of our homeowners, our neighborhoods and communities."

"These new laws will help us take a comprehensive approach in dealing with foreclosed homes in New Jersey," **said Assemblyman Benjie Wimberly**. "Foreclosed properties that sit in neighborhoods for years without being maintained are also a major problem, because these homes become eyesores to the community and drive property values down. As chair of the Assembly Housing and Community Development Committee, I will continue to work with Speaker Coughlin and our caucus to help solve the foreclosure crisis in New Jersey."

Advocates also expressed support for the measures.

"We thank Governor Murphy and the Legislature for providing valuable tools to address our state's relentless foreclosure crisis," **said Staci Berger, President and Chief Executive Officer of the Housing and Community Development Network of NJ**. "Residents and neighborhoods have suffered needlessly because the prior Administration failed to take important steps like these. During that time, residents and communities of color were disproportionately impacted by the crisis, losing so much of their housing equity. As NJ's largest HUD housing counseling intermediary, the Network is thrilled that New Jersey's leaders are now working with us and our members to keep people in their homes and helping to protect the single largest investment working families can make."

"Thanks to the leadership of both Governor Murphy and the legislators who sponsored this bill package, New Jersey is one step close to putting the foreclosure crisis behind us," **said Winn Khuong, Executive Director of Action Together New Jersey**. "Governor Murphy's action today puts New Jersey on a path to renewing our communities, something that will change the lives of so many. We are pleased to see New Jersey's leaders moving the state in the right direction."

"We applaud Governor Murphy and all of the legislators on the passage of this package of bills," **said Renee Koubiadis, Executive Director of the Anti-Poverty Network of New Jersey**. "Taken together, these bills will allow for a more transparent and fairer process for people facing default and will help alleviate New Jersey's persistent foreclosure crisis. Particularly, the codification and funding of the Foreclosure Mediation Program will allow families receive to counseling and mediation to find a resolution to be able to stay in their homes."

"A decade after the financial crisis, New Jersey continues to lead the nation in foreclosures," **said Kevin Walsh, Executive Director of Fair Share Housing Center.** "This legislative package will provide needed relief by increasing protections for homeowners and holding lenders accountable. We'd like to thank Governor Murphy and legislative leaders, including Senator Singleton, for pushing through proposals designed to protect working families."

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Governor Phil Murphy

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